



IN THE CIRCUIT COURT OF PIKE COUNTY, MISSOURI

CHARLES HOUSE, by his Next Friend)
EMILY COOK,)

Plaintiff,)

vs.)

MICHAEL KELLY WIRTHS and)
USF HOLLAND, LLC,)

Defendants.)

Case No. 21PI-CC00047

JURY TRIAL DEMANDED

**DEFENDANT MICHAEL KELLY WIRTHS' ANSWERS AND
OBJECTIONS TO PLAINTIFF'S FIRST INTERROGATORIES**

1. Where had your last stop been before the incident which is the subject of this lawsuit?

RESPONSE:

Objection. Defendant objects to this Interrogatory as being vague in its use of the term "last stop."

Subject to and without waiving this objection, Defendant states he departed the USF Holland terminal in Edwardsville, Illinois at approximately 12:45 a.m. and his intended destination was the USF Holland terminal in Des Moines, Iowa.

By way of further response, please see the following:

- (a) Dispatch Report dated December 21, 2020, attached hereto as HOLLAND 000001; and,**
- (b) Driver Log Report dated December 21, 2020, attached hereto as HOLLAND 000002.**

2. What was the purpose of your last stop?

RESPONSE:

Objection. Defendant objects to this Interrogatory as being vague and seeking information that is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence.

Subject to and without waiving these objections, Defendant stopped at the USF Holland terminal in Edwardsville, Illinois to pick up a load.

3. Where were you enroute to at the time of the incident?

RESPONSE:

Defendant's intended destination at the time of the accident was the USF Holland terminal in Des Moines, Iowa.

4. At the time of the incident, was your liability for any damage that might occur in the driving of the tractor trailer you were driving on the morning of the incident by a liability insurance policy? If so, state:

- a. The name and address of the insurer.
- b. The policy number.
- c. The limits of coverage.

RESPONSE:

Objection. Defendant objects to this Interrogatory because it is vague, ambiguous, confusing, and outside of the scope of Missouri Supreme Court Rule 56.01(4).

Subject to and without waiving these objections and without making an opinion as to coverage, please see the following:

- (a) **Declarations Page for Old Republic Insurance Company Policy No. MWML 18562, attached hereto as HOLLAND 000003.**

5. State the date of your employment with defendant Holland.

RESPONSE:

Defendant has been employed by USF Holland from August 2, 2013 to present.

6. Have you been disciplined by defendant Holland for any infraction of company rules related to your employment?

RESPONSE:

Objection. Defendant objects to this Interrogatory because it seeks information that is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence.

7. When were you qualified to operate tractor trailers on the public highways?

RESPONSE:

Objection. Defendant objects to this Interrogatory as being vague in its use of the term “qualified to operate tractor trailers on the public highways” and because it calls for a legal conclusion.

Subject to and without waiving these objections, Defendant states he was qualified to operate tractor trailers on the public highways at all relevant times.

8. Have you given a written or recorded statement pertaining to the cause of your vehicle’s collision with the decedent House? If so, state the name and address of the person or persons to whom you gave the statement.

RESPONSE:

Defendant objects to this Interrogatory as being overbroad and exceeding the scope of information required to be produced by Missouri Supreme Court Rule 56.01 because it is not limited to statements of Plaintiff. Defendant further objects to the extent this Interrogatory seeks information protected by the attorney-client, insurer-insured and/or work product privileges.

9. How many miles, approximately, had you driven during the 24-hour period preceding the collision with Mr. House?

RESPONSE:

See Driver Log Report dated December 21, 2020, attached hereto as HOLLAND 000002.

10. State the names and ages of all people who live in your household and their relationship to you.

RESPONSE:

Objection. Defendant objects to this Interrogatory because it seeks information that is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence.

11. Where was your next stop to have been before the accident occurred?

RESPONSE:

Objection. Defendant objects to this Interrogatory as being vague in its use of the term “next stop” and because it calls for speculation.

Subject to and without waiving this objection, Defendant states he departed the USF Holland terminal in Edwardsville, Illinois at approximately 12:45 a.m. and his intended destination was the USF Holland terminal in Des Moines, Iowa.

By way of further response, please see the following:

- (a) Dispatch Report dated December 21, 2020, attached hereto as HOLLAND 000001; and,**
- (b) Driver Log Report dated December 21, 2020, attached hereto as HOLLAND 000002.**

12. Where was your destination?

RESPONSE:

Defendant’s intended destination was the USF Holland terminal in Des Moines, Iowa.

13. Was your trailer loaded or empty?

RESPONSE:

Defendant’s trailer was loaded at the time of the accident.

By way of further response, please see Dispatch Report dated December 21, 2020, attached hereto as HOLLAND 000001.

14. What was the purpose of your trip?

RESPONSE:

At the time of the accident, Defendant was operating his tractor-trailer in the course and scope of his employment as a driver with USF Holland. He was transporting goods from the USF Holland terminal in Edwardsville, Illinois to the USF terminal in Des Moines, Iowa.

15. At the time of the accident, which is the subject of this lawsuit, were there any restrictions on your operator's license?

RESPONSE:

No.

16. Have your driving privileges ever been suspended or revoked?

RESPONSE:

No.

17. Have you been licensed as a chauffeur in more than one state?

RESPONSE:

No.

18. State the name and address of each of your employers from the five years immediately preceding the accident.

RESPONSE:

USF Holland.

/s/ Brian R. Betner

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CERTIFICATE OF SERVICE

The undersigned certifies that on May 20, 2022, the foregoing was served via e-mail upon all parties and counsel of record.

/s/ Brian R. Betner